

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-0535-PWS-E TCEQ ID: RN101423671 CASE NO.: 33116**  
**RESPONDENT NAME: City of West Tawakoni**

Page 1 of 3

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of West Tawakoni PWS, 200 Waterline Road, West Tawakoni, Hunt County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on January 28, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>     <b>TCEQ Attorney/SEP Coordinator:</b> None     <b>TCEQ Enforcement Coordinator:</b> Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4012; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171     <b>Respondent:</b> The Honorable Bill Stausing, Mayor, City of West Tawakoni, 1533 East State Highway 276, West Tawakoni, Texas 75474     <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> January 24, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> March 16, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. Nine violations were documented.</p> <p><b>WATER</b></p> <p>1) Failed to maintain copies of all customer service inspection reports [30 TEX. ADMIN. CODE § 290.46(f)(3)(E)(iv)].</p> <p>2) Failed to maintain the calibration records [30 TEX. ADMIN. CODE § 290.46(f)(3)(B)(v)].</p> <p>3) Failed to maintain an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</p> <p>4) Failed to initiate maintenance and housekeeping practices [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>5) Failed to conduct an annual inspection of a backflow prevention device [30 TEX. ADMIN. CODE § 290.44(h)(1)(B)(i)].</p> <p>6) Failed to post a legible sign [30 TEX. ADMIN. CODE § 290.46(t)].</p> <p>7) Failed to maintain a thorough and up-to-date facility operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>8) Failed to provide the required transfer pump capacity [30 TEX. ADMIN. CODE § 290.45(b)(2)(C), TEX. HEALTH &amp; SAFETY CODE § 341.0315(c), and Agreed Order</p>	<p><b>Total Assessed:</b> \$12,725</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$12,725</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b> The Respondent has three repeated enforcement actions over the prior five year period for the same violations.</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order:</p> <p>i. Begin maintaining copies of all customer service inspection reports that are required to be performed prior to providing continuous water service to new construction; and</p> <p>ii. Begin maintaining the calibration records for the finished water flow meter.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Begin maintaining an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements;</p> <p>ii. Repair all rusted areas on the treatment plant flocculator and repair and paint the system clearwell to ensure the good working condition and general appearance of the system's facilities and equipment;</p> <p>iii. Ensure that a certified backflow prevention assembly tester conduct an annual inspection of the backflow prevention assembly installed at the wastewater treatment facility;</p> <p>iv. Post a legible sign at the Rabbit Cove Road facility that includes the name of the water supply and a telephone number where a responsible official can be contacted in the event of an emergency; and</p> <p>v. Begin maintaining a thorough and up-to-date facility operations manual for operator review and reference.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed</p>

<p>Docket No. 2001-1357-PWS-E, Ordering Provision 2.e.iii.].</p> <p>9) Failed to provide the required treatment plant capacity [30 TEX. ADMIN. CODE § 290.45(b)(2)(B), TEX. HEALTH &amp; SAFETY CODE § 341.0315(c), and Agreed Order Docket No. 2001-1357-PWS-E, Ordering Provision 2.e.i.].</p>		<p>supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p> <p>d. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Provide a transfer pump capacity of at least 0.6 gallons per minute ("gpm") per connection with the largest pump out of service; and</p> <p>ii. Provide a treatment plant capacity of at least 0.6 gpm per connection.</p> <p>e. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions d.i. and ii.</p>
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Additional ID No(s): PWS ID No. 1160012





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ

DATES

Assigned

12-Mar-2007

PCW

3-Apr-2007

Screening

3-Apr-2007

EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent City of West Tawakoni

Reg. Ent. Ref. No. RN101423671

Facility/Site Region 4-Dallas/Fort Worth

Major/Minor Source Major

## CASE INFORMATION

Enf./Case ID No. 33116

Docket No. 2007-0535-PWS-E

Media Program(s) Public Water Supply

Multi-Media

No. of Violations 8

Order Type Findings

Enf. Coordinator Rebecca Clausewitz

EC's Team EnforcementTeam 2

Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$7,620

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 67% Enhancement Subtotals 2, 3, & 7 \$5,105

Notes

The compliance history enhancement is due to four prior Notices of Violation ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action, one prior NOV containing dissimilar violations, one prior agreed order containing a denial of liability, and one prior agreed order without a denial of liability.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement\*

Subtotal 6 \$0

Total EB Amounts \$4,157  
Approx. Cost of Compliance \$11,200

\*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$12,725

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$12,725

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$12,725

DEFERRAL

0%

Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$12,725

Screening Date 3-Apr-2007

Docket No. 2007-0535-PWS-E

PCW

Respondent City of West Tawakoni

Policy Revision 2 (September 2002)

Case ID No. 33116

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101423671

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

**Compliance History Worksheet**

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 67%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

The compliance history enhancement is due to four prior Notices of Violation ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action, one prior NOV containing dissimilar violations, one prior agreed order containing a denial of liability, and one prior agreed order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 67%

Screening Date 3-Apr-2007

Docket No. 2007-0535-PWS-E

PCW

Respondent City of West Tawakoni

Policy Revision 2 (September 2002)

Case ID No. 33116

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101423671

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(3)(B)(v) and (f)(3)(E)(iv)

Violation Description

Failed to maintain copies of all customer service reports for the inspections that are required to be performed prior to providing continuous water service to new construction and failed to maintain the calibration records for the finished water flow meter.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Approximately 20% of the required records were not available at the time of the investigation.

Adjustment \$990

\$10

## Violation Events

Number of Violation Events 2

69 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$20

Two single events are recommended for the two sets of records that were not available at the time of the investigation.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$33

This violation Final Assessed Penalty (adjusted for limits) \$33

## Economic Benefit Worksheet

**Respondent** City of West Tawakoni  
**Case ID No.** 33116  
**Reg. Ent. Reference No.** RN101423671  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	24-Jan-2007	1-Nov-2007	0.8	\$8	n/a	\$8
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to implement a record keeping system for customer service inspection reports and the calibration records for the finished water flow meter, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$200

TOTAL

\$8



Screening Date 3-Apr-2007

Docket No. 2007-0535-PWS-E

PCW

Respondent City of West Tawakoni

Policy Revision 2 (September 2002)

Case ID No. 33116

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101423671

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.121(a) and (b)

Violation Description

Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements. Specifically, the water system's monitoring plan did not contain the chemical sample locations, a description of the sampling frequency, and a description of the analytical procedures and laboratories that are used.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

Greater than 70% of the information required to be included in the monitoring plan was not present.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 1

69 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$417

This violation Final Assessed Penalty (adjusted for limits) \$417

## Economic Benefit Worksheet

**Respondent** City of West Tawakoni  
**Case ID No.** 33116  
**Reg. Ent. Reference No.** RN101423671  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
6.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	24-Jan-2007	30-Nov-2007	0.8	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to update the system's monitoring plan and include all required information, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance \$100

TOTAL \$4

Screening Date 3-Apr-2007

Docket No. 2007-0535-PWS-E

PCW

Respondent City of West Tawakoni

Policy Revision 2 (September 2002)

Case ID No. 33116

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101423671

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)

## Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the treatment plant flocculator and the system clearwell are rusted and in need of paint.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

If the system's facilities and equipment are not fully maintained, customers of the water supply could be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 1

69 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, January 24, 2007, to the date of screening, April 3, 2007.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$30

Violation Final Penalty Total \$417

This violation Final Assessed Penalty (adjusted for limits) \$417

## Economic Benefit Worksheet

Respondent City of West Tawakoni  
 Case ID No. 33116  
 Reg. Ent. Reference No. RN101423671  
 Media Public Water Supply  
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment	\$500	24-Jan-2007	30-Nov-2007	0.8	\$1	\$28	\$30
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the amount to repair the rust on the treatment plant flocculator and to paint the system clearwell, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$500

TOTAL

\$30

Screening Date 3-Apr-2007

Docket No. 2007-0535-PWS-E

PCW

Respondent City of West Tawakoni

Policy Revision 2 (September 2002)

Case ID No. 33116

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101423671

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(1)(B)(i)

Violation Description Failed to have a certified backflow prevention assembly tester conduct an annual inspection of the backflow prevention assembly installed at the wastewater treatment facility.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

If the backflow prevention assembly is not tested annually, backflow of wastewater could be occurring and exposing customers of the water supply to significant amounts of contaminants which would exceed levels protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$500

One annual event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$219

Violation Final Penalty Total \$835

This violation Final Assessed Penalty (adjusted for limits) \$835

## Economic Benefit Worksheet

**Respondent** City of West Tawakoni  
**Case ID No.** 33116  
**Reg. Ent. Reference No.** RN101423671  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	24-Jan-2006	24-Jan-2007	1.9	\$19	\$200	\$219
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs includes the amount to test the backflow prevention assembly at the wastewater treatment plant, calculated for the one year prior to the date of the investigation.

Approx. Cost of Compliance

\$200

**TOTAL**

\$219

Screening Date 3-Apr-2007

Docket No. 2007-0535-PWS-E

PCW

Respondent City of West Tawakoni

Policy Revision 2 (September 2002)

Case ID No. 33116

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101423671

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.46(t)

Violation Description

Failed to provide a legible sign at the Rabbit Cove Road facility that includes the name of the water supply and a telephone number were a responsible official can be contacted in the event of an emergency.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 1

69 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$417

This violation Final Assessed Penalty (adjusted for limits) \$417

## Economic Benefit Worksheet

**Respondent** City of West Tawakoni  
**Case ID No.** 33116  
**Reg. Ent. Reference No.** RN101423671  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$100	24-Jan-2007	30-Nov-2007	0.8	\$0	\$6	\$6
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the amount to create and install a proper sign at the Rabbit Cove Road facility, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$100

TOTAL

\$6



Screening Date 3-Apr-2007

Docket No. 2007-0535-PWS-E

PCW

Respondent City of West Tawakoni

Policy Revision 2 (September 2002)

Case ID No. 33116

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101423671

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 290.42(I)

Violation Description

Failed to maintain a thorough and up-to-date facility operations manual for operator review and reference. Specifically, on the date of the investigation, the facility operations manual was found to contain information that was outdated.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes

Approximately 50% of the rule requirement was not met.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

69 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$167

This violation Final Assessed Penalty (adjusted for limits) \$167

## Economic Benefit Worksheet

**Respondent:** City of West Tawakoni  
**Case ID No.:** 33116  
**Reg. Ent. Reference No.:** RN101423671  
**Media:** Public Water Supply  
**Violation No.:** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	24-Jan-2007	30-Nov-2007	0.8	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the amount to update the facility operations manual, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$100

**TOTAL**

\$4

Screening Date 3-Apr-2007

Docket No. 2007-0535-PWS-E

PCW

Respondent City of West Tawakoni

Policy Revision 2 (September 2002)

Case ID No. 33116

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101423671

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(2)(C), Tex. Health &amp; Safety Code § 341.0315(c), and Agreed Order Docket No. 2001-1357-PWS-E, Ordering Provision 2.e.iii.

## Violation Description

Failed to provide a transfer pump capacity of at least 0.6 gallons per minute ("gpm") per connection with the largest pump out of service. Specifically, with 1,190 connections, the City should be providing a minimum transfer pump capacity of 714 gpm with the largest pump out of service. The City currently provides a transfer pump capacity of 360 gpm with the largest pump out of service, which is a deficiency of approximately 50%.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without adequate transfer pump capacity, customers of the water supply could experience water shortages or outages and the system's ability to provide a safe and reliable water supply could be compromised.

Adjustment \$500

\$500

## Violation Events

10

1725 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$5,000

Ten semiannual events are recommended, calculated from the effective date of the Agreed Order, July 13, 2002, to the date of screening, April 3, 2007.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1,943

Violation Final Penalty Total \$8,350

This violation Final Assessed Penalty (adjusted for limits) \$8,350

## Economic Benefit Worksheet

**Respondent** City of West Tawakoni  
**Case ID No.** 33116  
**Reg. Ent. Reference No.** RN101423671  
**Media** Public Water Supply  
**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$5,000	13-Jul-2002	29-Jan-2008	5.6	\$93	\$1,850	\$1,943
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to increase the transfer pump capacity to a minimum of 0.6 gpm per connection, calculated from the effective date of the Agreed Order, to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$1,943

Screening Date 3-Apr-2007

Docket No. 2007-0535-PWS-E

PCW

Respondent City of West Tawakoni

Policy Revision 2 (September 2002)

Case ID No. 33116

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101423671

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(2)(B), Tex. Health &amp; Safety Code § 341.0315(c), and Agreed Order Docket No. 2001-1357-PWS-E, Ordering Provision 2.e.i.

Violation Description

Failed to provide a treatment plant capacity of at least 0.6 gallons per minute ("gpm") per connection. Specifically, with 1,190 connections, the City should be providing a minimum treatment plant capacity of 714 gpm. The City currently provides a treatment plant capacity of 580 gpm, which is a deficiency of approximately 19%.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without adequate treatment plant capacity, customers of the water supply could experience water shortages or outages and the system's ability to provide a safe and reliable water supply could be compromised.

Adjustment \$750

\$250

## Violation Events

5

1725 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$1,250

Five annual events are recommended, calculated from the effective date of the Agreed Order, July 13, 2002, to the date of screening, April 3, 2007.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1,943

Violation Final Penalty Total \$2,087

This violation Final Assessed Penalty (adjusted for limits) \$2,087

## Economic Benefit Worksheet

**Respondent:** City of West Tawakoni  
**Case ID No.:** 33116  
**Reg. Ent. Reference No.:** RN101423671  
**Media:** Public Water Supply  
**Violation No.:** 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$5,000	13-Jul-2002	29-Jan-2008	5.6	\$93	\$1,850	\$1,943
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to increase the treatment plant capacity to a minimum of 0.6 gpm per connection, calculated from the effective date of Agreed Order Docket No. 2001-1357-PWS-E, to the estimated date of compliance.

### Avoided Costs

ANNUALIZE (1) avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$5,000

TOTAL

\$1,943

# Compliance History

Customer/Respondent/Owner-Operator: CN600428361 City of West Tawakoni Classification: AVERAGE Rating: 4.14  
Regulated Entity: RN101423671 CITY OF WEST TAWAKONI PWS Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1160012  
WATER LICENSING LICENSE 1160012  
Location: 200 WATERLINE RD, WEST TAWAKONI, TX, 75474  
TCEQ Region: REGION 04 - DFW METROPLEX  
Date Compliance History Prepared: April 02, 2007  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: April 02, 2002 to April 02, 2007  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Rebecca Clausewitz Phone: (210) 403-4012

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 07/13/2002

ADMINORDER 2001-1357-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failed to maintain a residual disinfectant concentration of at least 0.2 mg/l free chlorine throughout the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)[G]

Description: Failure to provide adequate containment facilities for all liquids chemical storage

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B)  
4G THC Chapter 321, SubChapter D 341.0315(c)

Description: Failure to provide a treatment plant capacity of 0.6 gallons per minute (gpm) per connection under normal rated design flow.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)  
4G THC Chapter 321, SubChapter D 341.0315(c)

Description: Failure to provide a raw pump capacity of 0.6 gpm per connection with the largest pump out of service.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(C)  
4G THC Chapter 321, SubChapter D 341.0315(c)

Description: Failure to provide a transfer pump capacity of 0.6 gpm per connection with the largest pump out of service.

Effective Date: 05/28/2006

ADMINORDER 2005-2022-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: VIOLATED THE MCL FOR HAA5 IN THE 2ND QUARTER OF 2005

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: VIOLATED THE MCL FOR HAA5 IN THE 3RD QUARTER OF 2005

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: VIOLATED THE MCL FOR TTHM IN THE 2ND QUARTER OF 2005

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: VIOLATED THE MCL FOR TTHM IN THE 3RD QUARTER OF 2005

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	06/26/2002	(2671)
2	08/19/2002	(147031)
3	05/05/2003	(28370)
4	04/30/2004	(261315)
5	06/22/2005	(379249)
6	12/02/2005	(436275)
7	08/31/2006	(467074)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/26/2002 (2671)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain all water system lines and related appurtenances in a watertight condition.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: failed to initiate a maintenance program to ensure the reliability of the Facility

Date: 08/19/2002 (147031)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failed to maintain a residual disinfectant concentration of at least 0.2 mg/l free chlorine throughout the distribution system.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)[G]

Description: Failure to provide adequate containment facilities for all liquids chemical storage tanks.



Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B)

Description: Failure to provide a treatment plant capacity of 0.6 gallons per minute (gpm) per connection under normal rated design flow as per Agreed Order Docket No 2001-1357-PWS-E Ordering Provision 2.e.i.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a raw pump capacity of 0.6 gpm per connection with the largest pump out of service.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(C)

Description: Failure to provide a transfer pump capacity of at least 0.6 gallons per minute per connection as per Agreed Order Docket No 2001-1357-PWS-E Ordering Provision 2.e.iii.

Date: 12/18/2002 (19279)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine as per agency regulations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(3)(C)

Description: Failure to enclose the water treatment plant and all appurtenances thereof with an intruder-resistant locked fence or locked building during periods of darkness or when the plant is not attended.

Date: 06/24/2005 (379249)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)[G]

Description: Failure to provide adequate containment facilities for all liquids chemical storage tanks.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)

Description: Failure to maintain copies of all Customer Service Inspection reports that are required to be performed prior to providing continuous water service to new construction.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

30 TAC Chapter 290, SubChapter F 290.121(b)[G]

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to maintain the map of the distribution system current so that valves and mains may be easily located during emergencies.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(k)

Description: Failure to compile and maintain current a thorough plant operations manual for operator review and reference.

Date: 07/14/2006 (467074)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine as per agency regulations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)

Description: Failure to provide a minimum raw water pump capacity of 0.6 gallons per minute per connection with the largest pump out of service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to inspect both the ground and elevated storage tanks at least annually,

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B)

Description: Failure to provide a treatment plant capacity of 0.6 gallons per minute (gpm) per connection under normal rated design flow as per Agreed Order Docket No 2001-1357-PWS-E Ordering Provision 2.e.i.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(C)

Description: Failure to provide a transfer pump capacity of at least 0.6 gallons per minute per connection as per Agreed Order Docket No 2001-1357-PWS-E Ordering Provision 2.e.iii.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)

Description: Failure to maintain copies of all Customer Service Inspection reports that are required to be performed prior to providing continuous water service to new construction.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)  
30 TAC Chapter 290, SubChapter F 290.121(b)[G]

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to maintain the map of the distribution system current so that valves and mains may be easily located during emergencies.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, on the date of the investigation, the inspector noted rust on the treatment plant flocculator and the

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF WEST TAWAKONI  
RN101423671**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0535-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of West Tawakoni ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The City owns and operates a public water supply at 200 Waterline Road in West Tawakoni, Hunt County, Texas (the "Facility") that has approximately 1,190 service connections and serves at least 25 people per day for at least 60 days per year.
2. During an investigation conducted on January 24, 2007, TCEQ staff documented that the City did not maintain copies of all customer service inspection reports that are required to be performed prior to providing continuous water service to new construction.
3. During an investigation conducted on January 24, 2007, TCEQ staff documented that the City did not maintain the calibration records for the finished water flow meter.



4. During an investigation conducted on January 24, 2007, TCEQ staff documented that the City did not maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements. Specifically, the water system's monitoring plan contained only the bacteriological sample sites and some recent sampling results.
5. During an investigation conducted on January 24, 2007, TCEQ staff documented that the City did not initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, there was rust on the treatment plant flocculator and the system clearwell was rusted and in need of paint.
6. During an investigation conducted on January 24, 2007, TCEQ staff documented that the City did not have a certified backflow prevention assembly tester conduct an annual inspection of the backflow prevention assembly installed at the wastewater treatment facility.
7. During an investigation conducted on January 24, 2007, TCEQ staff documented that the City did not provide a legible sign at the Rabbit Cove Road facility that includes the name of the water supply and a telephone number where a responsible official can be contacted in the event of an emergency.
8. During an investigation conducted on January 24, 2007, TCEQ staff documented that the City did not maintain a thorough and up-to-date facility operations manual for operator review and reference. Specifically, the plant operations manual was found to contain information that was outdated.
9. During an investigation conducted on January 24, 2007, TCEQ staff documented that the City did not provide a transfer pump capacity of at least 0.6 gallons per minute ("gpm") per connection with the largest pump out of service. Specifically, with 1,190 connections, the City should be providing a minimum transfer pump capacity of 714 gpm with the largest pump out of service. The City currently provides 360 gpm with the largest pump out of service, which is a deficiency of approximately 50%.
10. During an investigation conducted on January 24, 2007, TCEQ staff documented that the City did not provide a treatment plant capacity of at least 0.6 gpm per connection. Specifically, with 1,190 connections, the City should be providing a minimum treatment plant capacity of 714 gpm. The City currently provides a treatment plant capacity of 580 gpm, which is a deficiency of approximately 19%.
11. The City received notice of the violations on or about March 21, 2007.

## **II. CONCLUSIONS OF LAW**

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.





2. As evidenced by Findings of Fact No. 2, the City failed to maintain copies of all customer service inspection reports, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(E)(iv).
3. As evidenced by Findings of Fact No. 3, the City failed to maintain the calibration records, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(B)(v).
4. As evidenced by Findings of Fact No. 4, the City failed to maintain an up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
5. As evidenced by Findings of Fact No. 5, the City failed to initiate maintenance and housekeeping practices, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
6. As evidenced by Findings of Fact No. 6, the City failed to conduct an annual inspection of a backflow prevention device, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(B)(i).
7. As evidenced by Findings of Fact No. 7, the City failed to post a legible sign, in violation of 30 TEX. ADMIN. CODE § 290.46(t).
8. As evidenced by Findings of Fact No. 8, the City failed to maintain a thorough and up-to-date facility operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
9. As evidenced by Findings of Fact No. 9, the City failed to provide the required transfer pump capacity, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(C), TEX. HEALTH & SAFETY CODE § 341.0315(c), and Agreed Order Docket No. 2001-1357-PWS-E, Ordering Provision 2.e.iii.
10. As evidenced by Findings of Fact No. 10, the City failed to provide the required treatment plant capacity, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(B), TEX. HEALTH & SAFETY CODE § 341.0315(c), and Agreed Order Docket No. 2001-1357-PWS-E, Ordering Provision 2.e.i.
11. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
12. An administrative penalty in the amount of Twelve Thousand Seven Hundred Twenty-Five Dollars (\$12,725) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The City has paid the Twelve Thousand Seven Hundred Twenty-Five Dollar (\$12,725) administrative penalty.

### **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:



1. The City is assessed an administrative penalty in the amount of Twelve Thousand Seven Hundred Twenty-Five Dollars (\$12,725) as set forth in Section II, Paragraph 12 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of West Tawakoni, Docket No. 2007-0535-PWS-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The City shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, the City shall:
    - i. Begin maintaining copies of all customer service inspection reports that are required to be performed prior to providing continuous water service to new construction, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
    - ii. Begin maintaining the calibration records for the finished water flow meter, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - b. Within 30 days after the effective date of this Agreed Order, the City shall:
    - i. Begin maintaining an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121;
    - ii. Repair all rusted areas on the treatment plant flocculator and repair and paint the system clearwell to ensure the good working condition and general appearance of the system's facilities and equipment, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - iii. Ensure that a certified backflow prevention assembly tester conduct an annual inspection of the backflow prevention assembly installed at the wastewater treatment facility, in accordance with 30 TEX. ADMIN. CODE § 290.44;
    - iv. Post a legible sign at the Rabbit Cove Road facility that includes the name of the water supply and a telephone number where a responsible official can be contacted in the event of an emergency, in accordance with 30 TEX. ADMIN. CODE § 290.46; and



- v. Begin maintaining a thorough and up-to-date facility operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- c. Within 45 days after the effective date of this Agreed Order, the City shall submit written certification as described in Ordering Provision 2.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a. and 2.b.
- d. Within 90 days after the effective date of this Agreed Order, the City shall:
  - i. Provide a transfer pump capacity of at least 0.6 gpm per connection with the largest pump out of service, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
  - ii. Provide a treatment plant capacity of at least 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- e. Within 105 days after the effective date of this Agreed Order, the City shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.d.i. and ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951



3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

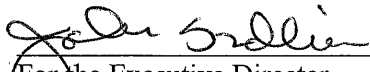




## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

2/25/2008  
\_\_\_\_\_  
Date

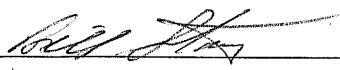
I, the undersigned, have read and understand the attached Agreed Order in the matter of City of West Tawakoni. I am authorized to agree to the attached Agreed Order on behalf of City of West Tawakoni, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, City of West Tawakoni waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

11/13/07  
\_\_\_\_\_  
Date

Bill Stausling  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of West Tawakoni

Mayor  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order

